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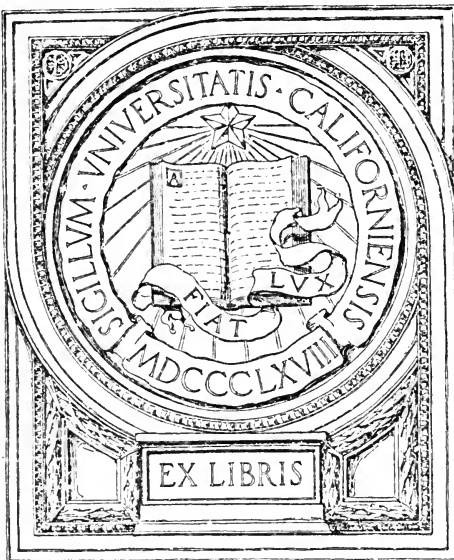
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GIFT OF
Pomona - Bd of Freeholders



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Pomona, Cal. Charter.

GIFT
OCT 26 1914

CHAPTER 45.

Assembly Concurrent Resolution No. 20, approving the charter of the city of Pomona, county of Los Angeles, State of California, and the alternative proposition submitted therewith, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 16th day of February, 1911.

[Adopted March 10, 1911.]

WHEREAS, The city of Pomona, a municipal corporation of the county of Los Angeles, State of California, now is and was at all times herein referred to a city containing a population of more than three thousand five hundred (3,500) inhabitants; and

WHEREAS, At a special election duly held in said city on the 3rd day of November, 1910, under and in accordance with law and the provisions of section 8 of article XI of the constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city by the qualified electors thereof, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety (90) days after said election, prepare and propose a charter for the government of said city of Pomona; and

WHEREAS, Said charter was on the 3rd day of January, 1911, signed in duplicate by the members of said board of freeholders and was thereupon duly returned and filed, one copy with the president of the board of trustees of said city of Pomona, and the other copy with the county recorder of the said county of Los Angeles and filed in the office of the said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the "Pomona Daily Review" and in the "The Pomona Progress", each being a daily newspaper of general circulation in said city of Pomona, and the said charter being published as aforesaid for a period of more than twenty (20) days, the first publication thereof being made within twenty (20) days after the completion of said charter; and

WHEREAS, Said proposed charter was within thirty (30) days after the completion of said publication submitted by the board of trustees of the city of Pomona to the qualified electors of said city of Pomona at a special election, previously duly called and therein held on the 16th day of February, 1911; and

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WHEREAS, At said last mentioned special election a majority of said qualified electors of said city of Pomona, voting at said special election, voted in favor of the ratification of said charter as proposed as a whole, excepting that a majority of said qualified electors voting at said election voted in favor of the ratification of the alternative proposition, which alternative proposition was thereafter chosen and substituted for section 89, article XV of said proposed charter; and

WHEREAS, Said board of trustees, after canvassing said returns, found and declared that the majority of said qualified electors voting at said special election had voted for ratifying said charter as above specified; and

WHEREAS, The same is now submitted to the legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California; and

WHEREAS, Said charter was ratified in the words and figures following, to-wit:

CHARTER OF THE CITY OF POMONA PREPARED
AND PROPOSED BY THE BOARD OF FREEHOLD-
ERS ELECTED NOVEMBER 3RD, 1910, IN PUR-
SUANCE OF THE PROVISIONS OF SECTION 8,
ARTICLE XI, OF THE CONSTITUTION OF THE
STATE OF CALIFORNIA.

CHARTER OF THE CITY OF POMONA.

ARTICLE I.

NAME AND RIGHTS OF THE CITY.

SECTION 1. The municipal corporation now existing, and known as the city of Pomona, shall remain and continue a body politic and corporation in name and in fact by the name of the city of Pomona, and by such name shall have perpetual succession.

SEC. 2. The city of Pomona shall remain vested with, and continue to have, hold and enjoy all property, rights of property and rights of action of every nature and description now pertaining to this municipality and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality.

ARTICLE II.

BOUNDARIES AND WARDS OF THE CITY.

SEC. 3. The boundaries of the city of Pomona shall be as follows:

Commencing at the southeast corner of the Pomona tract, according to the plat of said tract recorded in the recorder's office, in and for said county of Los Angeles; thence running northeasterly along the line of the township of San Jose to the N. E. corner of lot 24 of the "Northeast Pomona Tract;" thence westerly along the dividing line between lots as platted to the S. W. corner of lot 29 of the "Loop and Meserve Tract;" thence northerly along the dividing line between lots as platted to the S. W. corner of lot 14 of the "Loop and Meserve Tract;" thence west to the S. W. corner of lot 13 of the "Loop and Meserve Tract;" thence northerly on the dividing line between lots as platted, to the northeast corner of lot 6 of the "Loop and Meserve Tract;" thence westerly along the north line of said "Loop and Meserve Tract" to the northwest corner of lot 1 of said tract; thence south to the north line of Cucamonga avenue; thence along said line to and along the north line of the Mud Springs county road, so called, to a point opposite the northwest corner of the "Vejar Tract," so called; thence southwesterly along the west line of said "Vejar Tract," so called, to the north line of the "Alvarado Tract," so called; thence westerly along said line of said "Alvarado Tract" westward to a point which would be intersected by an extension of the west line of lots 227, 228 and 229 of the "Pomona Tract;" thence running southeasterly along such extension of said line to the southwest corner of lot 229 of the "Pomona Tract;" thence south $1\frac{1}{2}$ degrees east to a point of intersection with extended south line of blocks E. F. G. and H.; thence easterly to and along the south line of said blocks E. F. G. and H. to the east line of San Jose township; thence northerly along said township line to the point of beginning.

SEC. 4. The city of Pomona is hereby divided into four wards, which shall be designated respectively, the first ward, the second ward, the third ward, and the fourth ward: and are described as follows:

First ward—All that portion of the city lying west of the center line of Garey avenue and north of the center line of the right of way of the main line of the Southern Pacific railroad.

Second ward—All that portion of the city lying west of the center line of Garey avenue and south of the center line of the right of way of the main line of the Southern Pacific railroad.

Third ward—All that portion of the city lying east of the center line of Garey avenue and south of the center line of the right of way of the main line of the Southern Pacific railroad.

Fourth ward—All that portion of the city lying east of the center line of Garey avenue and north of the center line of the right of way of the main line of the Southern Pacific railroad.

SEC. 5. The boundaries of the said wards may at any time hereafter be changed by ordinance passed by a four-fifths vote of the council; *provided*, said wards shall be kept as nearly equal in population as possible; *and, provided further*, that such change shall not be made more than once in two years and shall be made at least ninety days before any general municipal election.

ARTICLE III.

GENERAL PROVISIONS RELATING TO OFFICERS.

SEC. 6. The elective officers of the city shall be, a mayor, four councilmen, a city auditor, who shall be ex officio city clerk, a city attorney, a city assessor, who shall be ex officio tax collector and treasurer, a police judge, a president of the board of education and four members of the board of education, all of whom shall be elected at the general municipal election, on a general ticket, from the city at large, but one councilman and one member of the board of education shall be nominated from each of the four wards of the city by the electors of the ward and shall be a resident of the ward from which he is nominated.

The following officers shall be appointed by the council: a chief of police, a city engineer, a street superintendent, five trustees of the public library, a health officer, a chief of the fire department, a park superintendent, a building inspector and such other officers as the council shall, under this charter, have power to create, and the council shall combine the office of city engineer and street superintendent whenever it shall deem it advisable so to do.

SEC. 7. The council shall consist of the mayor and four councilmen, each of whom—including the mayor—shall have the right to vote on all questions coming before the council.

The board of education shall consist of the president of the board, who shall be nominated from the city at large, and four members, nominated from their respective wards, each of whom—including the president—shall have the right to vote on all questions coming before the board.

SEC. 8. To be eligible for the office of mayor, councilman, auditor, attorney, assessor, or police judge, a person must be a citizen of the United States, a qualified elector of the city

of Pomona, and shall have resided in such city for at least three years next preceding the date of such election.

SEC. 9. To be eligible for the office of president or member of the board of education the person must be a citizen of the United States, of the age of twenty-one years, and shall have resided in the city of Pomona for at least three years next preceding the date of such election.

SEC. 10. The mayor, auditor, attorney, assessor, police judge and president of the board of education shall each hold office for a term of two years from and after the first Monday after their election, and until their successors are elected and qualified; *provided*, that the term of office of all said officers elected at the first election under this charter shall be one year and eleven months.

SEC. 11. The four councilmen and four members of the board of education shall each hold office for a term of four years from and after the first Monday after their election and until their successors are elected and qualified; *provided*, that the councilmen and members of the board of education first elected under this charter shall, at their first meeting, so classify themselves by lot that two councilmen and two members of the board of education shall hold office for one year and eleven months and two of them for three years and eleven months.

SEC. 12. In case any councilman or any member of the board of education shall change his residence from the ward from which he was nominated, his office shall immediately become vacant and shall be filled as directed in this charter; *provided, however*, that in case the boundaries of any ward are changed, no councilman or member of the board of education, whose residence is thereby included within a different ward from that from which he was nominated shall lose his office by reason of such change. *And provided also* that neither the mayor nor president of the board of education shall forfeit his office by reason of any change of his residence within the city limits.

SEC. 13. If a vacancy shall occur in the office of mayor, councilman, auditor, attorney, assessor, or police judge, the council shall appoint a person to fill such vacancy; but such appointee, if a councilman, must be a resident of the ward from which the former councilman was nominated, and such appointee shall hold office, subject to the provisions of the recall, only until the next regular election.

SEC. 14. If a vacancy shall occur in the office of president or member of the board of education, the board of education shall appoint a person to fill such vacancy; but such appointee shall hold office, subject to the provisions of the recall, only until the next regular election, and unless such appointee be

the president of the board the person appointed must be a resident of the ward from which the former member was nominated.

SEC. 15. Officers and employees of the city, before entering upon the discharge of their official duties, shall give and execute to the city such official bonds as may be required by general law, this charter, or by ordinance of the city. All such official bonds must be given by some lawfully authorized and approved surety company, and the city shall pay the premium therefor; *provided*, that the premium paid shall not exceed one-half of one per cent per annum; *and provided further*, that if the council deems the premium charged to be excessive, then in that event the council may accept bonds with approved personal sureties.

SEC. 16. Every bond shall contain the condition that the principal will well, truly, honestly and faithfully perform the duties of his office, and all bonds must be approved by the council, after first being approved as to form by the city attorney.

The approval of the official bonds must be endorsed thereon and signed by the officers approving the same. All bonds, when approved, shall be filed with the auditor, except the bond of the auditor, which shall be filed with the mayor. All the provisions of any law of this state, relating to official bonds, not inconsistent with this charter, shall be complied with.

The mayor shall execute an official bond to the city in the sum of \$5,000, and each councilman, in the sum of \$2,000; and the council shall fix the amount of bonds and the method of their approval to be required of other officers and employees.

SEC. 17. The council may at any time, by ordinance, change the penal sum of any official bond.

SEC. 18. Every officer of the city, before entering upon the duties of his office, shall take the oath of office as provided for in the constitution of this state, and shall file the same with the city clerk.

SEC. 19. The mayor shall receive an annual salary of \$1,200, payable in equal monthly installments.

Each councilman shall receive an annual salary of \$300, payable in equal monthly installments.

Except where such power is herein given to other boards of the city, the council shall fix, by ordinance, the salary of all other officers herein created or hereafter created by ordinance, whose salaries are not herein fixed or otherwise provided for.

SEC. 20. The salary of an elective officer may be changed by ordinance of the council, but such ordinance must be adopted at least sixty days previous to an election at which

such officer is to be elected, and shall not take effect until the regular time for taking office after such election.

SEC. 21. If any member of the council or of any board or commission of the city shall absent himself from the city for more than thirty days consecutively, or if any other officer of the city shall absent himself from his office for more than ten days consecutively, without the consent of the council in every case, his office shall thereupon be declared vacant by the council. The council must not grant leave of absence to any officer, except for the purpose of attending to official business, for a longer period than sixty days; *provided*, that such permit may be renewed if good and sufficient reason exists therefor.

SEC. 22. Whoever, being a city officer or being in nomination for or while seeking nomination or appointment for any city office, shall use or promise to use, whether directly or indirectly, any official authority or influence, whether then possessed or merely anticipated, to aid any other person to secure any office or appointment in the service of the city or any nomination or increase of salary, upon the condition that his vote or political influence shall be given or used in behalf of any candidate, officer or political party or association, or upon any corrupt condition, shall be deemed guilty of a misdemeanor. And every person found guilty of such misdemeanor as aforesaid, shall, upon conviction thereof, be liable to be punished by a fine of not less than one hundred dollars or more than one thousand dollars, or to be imprisoned not less than ten days or more than one year, or to both said fine and said imprisonment, in the discretion of the court. If the person convicted be a public officer, he shall, in addition to any other punishment imposed, be deprived of his office and be forever debarred and disqualified from holding any position in the service of the city.

SEC. 23. No officer or employee of the city shall become a party worker or solicitor in any city election, except in his own behalf. A violation of any of the provisions of this section shall be sufficient cause for his removal from office.

SEC. 24. All officers and members of any board or commission provided for in this charter shall have the power to administer oaths and affirmations, and every such officer, board or commission shall have the power to issue subpoenas, to compel by subpoena the attendance of witnesses, the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before such officer, board or commission. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpoena, or shall refuse to testify before any such officer, board or commission or to answer any ques-

tion which any officer, or a majority of such board or commission shall decide to be proper and pertinent, he shall be deemed in contempt, and any such officer, board or commission shall have the power to take the proceedings in that behalf provided by the general laws of this state. The chief of police must, on request of such officer, or of any member of such board or commission, personally serve such subpoena, or detail a police officer or police officers to serve the same.

ARTICLE IV.

THE MAYOR.

SEC. 25. The mayor shall see that all city ordinances are duly enforced. He shall be charged with the general oversight of the several departments of the municipal government, and shall see that all contracts made with the city are faithfully performed.

SEC. 26. During the temporary absence or disability of the mayor, the vice-president of the council shall act as mayor pro tempore. In case of the temporary absence or disability of both the mayor and vice-president, the council shall elect one of its members to be mayor pro tempore. In case of vacancy in the office of the mayor, the vice-president of the council shall act as mayor until such vacancy can be filled as provided in this charter.

SEC. 27. The mayor shall annually and from time to time give the council information relative to the affairs of the city, and recommend to its consideration such matters as he may deem expedient.

SEC. 28. The mayor shall be charged with the general supervision of all public utility companies in so far as they are subject to municipal control. He shall keep himself fully informed as to their compliance in all respects with the law, and he shall see that all franchises granted by the city are faithfully observed.

The mayor shall, after making written recommendations to the council and receiving its approval, cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and to revoke, cancel or annul all franchises that may have been granted by the city to any person, firm or corporation which have become forfeitable in whole or in part or which for any reason are illegal and void and not binding upon the city. The city attorney, on demand of the mayor, must institute and prosecute the necessary actions to enforce the provisions of this section.

SEC. 29. The mayor shall exercise such other powers and perform such other duties as may be prescribed by law or ordinance.

ARTICLE V.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

SEC. 30. The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be distributed among and assigned to five departments, as follows:

1. Department of public works, which department shall be assigned to the mayor.

2. Department of finance and revenue.

3. Department of fire and health.

4. Department of police.

5. Department of public supplies.

SEC. 31. The council shall determine and assign the duties of the several departments, subject to the provisions of the preceding section; shall prescribe the powers and duties of officers and employees; may assign particular officers and employees to one or more of the departments; may require an officer or employee to perform duties in two or more departments, and may make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city.

SEC. 32. The council at its first regular meeting after the election of its members, shall designate by majority vote one councilman to be commissioner of finance and revenue, one to be commissioner of fire and health, one to be commissioner of police, and one to be commissioner of public supplies. If the council is unable to agree, the mayor shall have authority to make such designation. The council may change such designation by ordinance whenever it determines that the public service will be benefited thereby.

SEC. 33. All appointive officers may be removed by a majority vote of the council. The council, at any time when in its judgment the interests of the city so demand, may consolidate and place in charge of one such officer the functions and duties of two or more of such officers.

SEC. 34. The council shall have power to appoint such other officers and deputies as the needs of the city may require and prescribe the duties pertaining thereto.

SEC. 35. The council shall employ, for a stipulated compensation, a competent public accountant who shall examine, at least once each year, the books, records and reports of all officers and employees who receive or disburse city moneys; and the books, records and reports of such officers and departments as the council may direct, and make duplicate reports thereof, and present one to the mayor, and file one with the city clerk. One of said yearly examinations shall be made just prior to the expiration of the official term of office. Such accountant shall have unlimited privilege of investigation, to

examine under oath or otherwise, all officers, clerks and employees of the city, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The council shall provide for the payment of the services of such accountant.

SEC. 36. Each department, board and commission shall annually, on such date as may be fixed by the council, render to the mayor a full report of all the operations of such department or commission for the year.

SEC. 37. The council shall provide for the publication, in pamphlet form or otherwise, of the annual reports of the mayor and of the several departments, boards and commissions.

SEC. 38. No member of the council, except the commissioner of public supplies, who may be the purchasing agent of the city, shall hold any other municipal office or hold any office or employment the compensation of which is paid out of the municipal moneys; or be elected or appointed to any office created or the compensation of which is increased by the council while he was a member thereof, until one year after the expiration of the term for which he was elected.

SEC. 39. No councilman or other city officer shall be interested, directly or indirectly, in any contract to which the city is a party, or made by any officer of the city in behalf of the city. Any violation of this section shall be a misdemeanor, and upon conviction thereof, besides the penalties that may be imposed by a court of competent jurisdiction, the council shall declare the office vacant, and any person convicted of a violation of this section shall be forever disqualified from holding any office under this charter. Nor shall any officer of the city be a surety on any bond given to the city, or to any person for the benefit of the city.

SEC. 40. No appointment to position under the city government shall be made or be withheld by reason of any religious or political opinions or affiliations or political services, and no appointment to or selection for or removal from any office or employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or services.

ARTICLE VI.

THE COUNCIL.

SEC. 41. The council shall be the governing body of the municipality. It shall exercise the corporate powers of the city, and, subject to the express limitations of this charter,

shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the constitution of the state.

SEC. 42. A majority of the members of the council shall constitute a quorum for the transaction of business at any meeting, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

SEC. 43. The mayor shall be president of the council and shall preside at its meetings when present. The council shall elect one of its number to be vice-president.

SEC. 44. The council shall provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

SEC. 45. All legislative sessions of the council, whether regular or special, shall be open to the public.

SEC. 46. The council shall judge of the qualifications of its members and of all election forms and determine contested elections of all city offices. The council shall establish rules for the conduct of its proceedings and punish any member or any other person for disorderly behavior at any meeting and shall cause the city clerk to keep a correct journal of all proceedings, and shall cause the ayes and noes to be taken and entered on the journal on the final action upon the appointment or removal of officers, the granting of franchises, making of contracts, auditing bills, ordering work to be done or supplies furnished, disposing of or leasing city property, the passage of any ordinance, the ordering of assessments for street improvements, or building of sewers, or upon any other act that may involve the payment of money, or the incurring of a debt by the city, and upon the payment of the salaries of the municipal officers; and in all other cases upon the call of any member.

SEC. 47. The enacting clause of all ordinances passed by the council shall be in these words: "Be it ordained by the council of the city of Pomona as follows:"

No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the council.

SEC. 48. No ordinance for any purpose shall be passed by the council on the day of its introduction, nor within five days thereafter nor at any other than a regular or an adjourned regular meeting.

No resolution or order for the payment of money shall be passed at any other time than at a regular meeting or an adjourned regular meeting.

No resolution or ordinance granting any franchise shall be

put upon its final passage within thirty days after its introduction, and no franchise shall be renewed before one year prior to its expiration.

SEC. 49. All resolutions and ordinances shall be signed by the mayor and attested by the city clerk and before taking effect, all ordinances shall be published at least once in a newspaper published in said city, or posted in at least three public places therein for a period of ten days.

SEC. 50. A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication or posting of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication or posting of an ordinance in the usual way.

SEC. 51. No final action shall be taken in any matter concerning the special department of any absent councilman unless such business has been made a special order of the day by action at a previous meeting of the council, or such action is taken at a regular meeting of the council.

ARTICLE VII.

POWERS OF THE CITY AND OF THE COUNCIL.

SEC. 52. Without denial or disparagement of other powers held under the constitution and laws of the state, the city of Pomona shall have the right and power:

1. To purchase, lease or receive such real estate and personal property within and without the limits of said city as may be necessary or proper for municipal purposes, and to operate, lease, control, dispose of and convey the same for the benefit of the city.

2. To erect and maintain buildings for municipal purposes.

3. To exercise the right of eminent domain for the purpose of acquiring real and personal property of every kind.

4. To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate libraries, reading-rooms, art galleries, museums, schools, kindergartens, parks, playgrounds, places of recreation, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, infirmaries, hospitals, charitable institutions, jails, houses of correction and farm schools, work houses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction works, street cleaning and sprin-

klings plants, quarries, and all other public buildings, places, works and institutions.

5. To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate water works, gas works, electric light, heat and power works, within or without the city, and to supply therefrom or purchase and supply the city and its inhabitants and also persons, firms and corporations outside the city, with water, gas and electricity.

6. To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate telephone and telegraph systems, cable, electric or other railways, and transportation service of any kind.

7. To sell gas, water, electric current and all products of any public utility operated by the city.

8. To acquire by purchase, condemnation or otherwise, within or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility or to provide for and effectuate any other public purpose; and to sell, convey, encumber and dispose of the same for the common benefit.

9. To lease to corporations or individuals for the purpose of maintenance and operation any public utility owned by the city.

10. To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable and other purposes, and to do all acts necessary to carry out the purpose of such bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust be unconditional.

11. To borrow money for any of the purposes for which the city is authorized to provide and for carrying out any of the powers which the city is authorized to enjoy and exercise and to issue bonds therefor; *provided*, that in the procedure for the creation and issuance of such bonded indebtedness the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed.

12. To raise money by a special tax, in addition to the annual tax levy provided in section 119 of this charter. To authorize such special tax, the provisions of article XXI, relating to the initiative, or of article XXII, relating to the referendum, shall be followed, and the levy of such tax must be approved by at least two thirds of the qualified electors who vote thereon. At such election the council may be authorized, in cases where public necessity requires the expenditure of any sum so voted before the next succeeding tax levy, to borrow such sum and provide in the next succeeding tax levy for its repayment with interest at not exceeding six per

cent per annum. Or the council may be authorized to levy a special tax each year for a period of years not exceeding three years in all for any permanent municipal improvement and the money so raised may be expended each year after the same is collected and available.

13. To sue and defend in all courts and places and in all matters and proceedings.

SEC. 53. The qualified voters of the city shall have power through the initiative and otherwise, as provided by this charter and the general laws of the state, to enact appropriate legislation to carry out and enforce any of the above general powers of the city or any of the specified powers of the council.

SEC. 54. As the legislative organ of the city, the council, subject to the provisions and restrictions of this charter, shall have power:

1. To pass ordinances not in conflict with the constitution of this state or of the United States, or the provisions of this charter.

2. To provide a corporate seal, with appropriate device, to be affixed to all instruments or writings needing authentication.

3. To provide for the holding of municipal elections, give notice thereof, establish and alter election precincts, as provided for in this charter, and appoint necessary election officers.

4. To prescribe fines, forfeitures and penalties for the violation of any provision of this charter or of any ordinance; but no penalty shall exceed one thousand dollars or one year's imprisonment, or both.

5. To cause persons imprisoned for violation of any ordinance to labor on the streets or other public property or works within the city.

6. To provide for the summary abatement of any nuisance at the expense of the person or persons creating, causing, committing or maintaining such nuisance.

7. To organize and maintain police and fire departments, erect the necessary buildings and own all implements and apparatus required therefor.

8. To establish and maintain a fire alarm and police telegraph or telephone system, and manage and control the same, with the right to use the poles placed in the streets by public utility companies, whether such right has been set forth and reserved in their franchise or not.

9. To regulate or prohibit the manufacture, keeping and use of gasoline, benzine, distillate, powder, dynamite, fireworks and other explosive materials and substances.

10. To regulate the storage of hay, straw, oil and other inflammable and combustible materials.

11. To regulate the use of steam engines, gas engines, steam

boilers, and electric motors and other machinery, and to prohibit their use in such localities as in the judgment of the council would endanger public health or safety, and to require the use of safety appliances.

12. To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

13. To regulate the construction of and the materials used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat, or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water or gas and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

14. To require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

15. To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate the carrying on of manufactories liable to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible material in unsafe places, and to make provisions to guard against fires.

16. To regulate the size and construction of the entrances to and exits from all theatres, lecture rooms, halls, schools, churches, and other places for public gathering of every kind and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles or open places therein.

17. To regulate the speed of railroad trains, engines and cars passing through the city and the speed of cars of street or interurban railway companies using the public streets of the city, to require railroad companies to station flagmen, place gates, bells or viaducts at all such street crossings as the council may deem proper, to require street cars and local trains to be provided with fenders or other appliances for the better protection of the public; to prohibit the making up of

railroad trains on any of the streets or street crossings of the city; to regulate the speed with which persons may ride or drive or propel bicycles, automobiles or other vehicles along or upon any of the streets or highways of the city.

18. To regulate or prohibit the exhibition or carrying of banners, placards, or advertisements, and the distribution of handbills in the streets, public grounds or upon the sidewalks; to regulate and prevent the flying of banners, flags or signs across the streets or from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions to the streets and to require their removal.

19. To compel the owner or occupant of buildings or grounds to remove dirt, rubbish and weeds from the sidewalk opposite thereto; and in his default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant, and to make such expense a lien upon such buildings or grounds.

20. To require or provide by ordinance for the removal from property, lands or lots all weeds, rubbish or any other material which may endanger or injure neighboring property, or the health, safety or welfare of the residents of the vicinity, and to make the cost thereof a lien and charge upon such lots or lands, and to make provisions for the enforcement of such lien by the sale of such lots or lands, or otherwise.

21. To require by ordinance the owners of real property fronting upon any street, lane, alley or other public place in which there are, or in which it is proposed to be constructed, sewer, water or gas, or other mains or conduits, to connect to the property line of their several premises therewith, or to cause such connections to be made and to make the cost thereof a lien and charge upon the property so connected and to make provisions for the enforcement of such lien by the sale of property or otherwise.

22. To regulate, license or prohibit the construction and use of billboards and signs.

23. To regulate and prevent the running at large of dogs, to provide for the destruction of vicious dogs, and to require the payment of license fees by the owners or persons having possession of dogs, and to impose penalties upon such persons for refusing to pay such license fees.

24. To prevent or regulate the running at large of any animals, and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large.

25. To prohibit and punish cruelty to animals and to require the places where they are kept to be maintained in clean and healthful condition.

26. To provide for the care of the sick and the helpless and to make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease.

27. To regulate or prohibit the operation of all manufactories, occupations or trades which may be of such a nature as to affect the public health or good order of the city or disturb the public peace, or which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them; to make regulations for the suppression of disagreeable, offensive and injurious noises.

28. To provide for and regulate the inspection by the health officer of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products, soda water and other drinks, candies and all other confectionery products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

29. To provide for and regulate the inspection of all dairies, and other places where a cow or cows are kept, either within or without the city limits, that offer for sale or sell any of their products in the city; also to provide for the inspection of slaughter houses, vegetable and fruit gardens whose products are sold in the city.

30. To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require that they be put and kept in proper sanitary condition.

31. To regulate the construction, repair and use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the connecting, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done.

32. To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

33. To license for purposes of regulation and revenue all and every kind of business not prohibited by law, ordinance or this charter, to be transacted or carried on in the city; to

fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise.

34. To establish stands for hacks, public carriages, express wagons, and other public vehicles for hire, and regulate the charges of such hacks, public carriages, express wagons and other public vehicles, and to require schedules of such charges to be posted in or upon such public vehicles.

35. To provide for the inspection and sealing of all weights and measures used in the city, and to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed; and to regulate the sale and quality of all oils and gasoline and provide for the testing thereof.

36. To regulate the use, distribution, quality, pressure and sale of water, gas, electric lights and power and other light and power within the city; and to fix and determine the price thereof; and to provide for the inspection and connection of all matters used in the measurements of said commodities.

37. To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements; to prevent and prohibit all descriptions of gambling and fraudulent devices and practices, all playing of cards, dice or other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money is staked, hazarded, deposited or paid upon chance and the selling of pools on races, and to authorize the destruction of all instruments used for the purpose of gambling.

38. To restrain and punish vagrants, mendicants, lewd persons and prostitutes; to prevent and punish drunkenness, prize fights and all offensive, immoral, indecent and disorderly conduct and practices in the city.

39. To levy and collect taxes upon all the real and personal property within the city, subject to the limitations elsewhere in this charter provided.

40. To order the repaying by the treasurer of any taxes, percentages or costs erroneously or illegally collected.

41. To fix the fees and charges for all official services not otherwise provided for in this charter.

42. To provide for the lease of any lands or other property now or hereafter owned by the city, but all leases shall be made at public auction to the highest responsible bidder at the highest monthly rent, after publication of notice thereof for at least one week, stating explicitly the time and conditions of the proposed lease; provided, that the council may in its discretion reject any and all bids.

43. To provide for the purchase of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

44. To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

45. To provide for the execution of all trusts confided to the city.

46. To provide by ordinance for the planting, maintenance, or care of shade and ornamental trees in streets and other public places, and for the removal of unsightly and dead trees therefrom; and to make the cost thereof a lien and charge upon the abutting property, and to make provision for the enforcement of such lien.

47. To build and repair bridges; to establish, lay out, alter, keep open, close, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the city; to drain, sprinkle, oil and light the same; to remove all obstructions therefrom; to establish or change the grades thereon; to grade, pave, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks thereon or on any part thereof; to cause to be planted, set out and cultivated, shade trees therein; and generally, to manage and control all such highways and places; and in the exercise of the powers herein granted, to expend, in their discretion, the ordinary annual income and revenue of the municipality in payment of the costs and expenses of the whole or any part of such work or improvement.

48. To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad and to regulate and prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway or street railway of any kind shall be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have been duly passed by popular vote, as provided in articles XXI and XXII.

49. To construct, establish and maintain drains and sewers.

50. To prohibit the diversion or drainage into a public sewer of any refuse or waste material from gas works, chemical works or refineries or other sources destructive to the use of sewer pipe or conduit, and to prohibit the diversion or drainage into any public sewer of any matter that will render the sewerage unfit for irrigation.

51. To prescribe sewerage districts, and to require and compel the owners of all buildings and dwellings situated within such districts to connect the same with the city sewer system and in case of default on the part of such owners to cause such work to be done and the cost thereof to be made a lien against such property.

52. To form, out of any territory within said city, storm

water districts, and provide that the real estate in each district so formed be assessed to pay the expenses of constructing storm drains and acquiring rights of way therefor, for the purpose of diverting, conducting and caring for storm water and protecting property therein from injury therefrom, *provided* no such district shall be formed if a protest, signed by the owners of two-thirds in assessed value of all the real property in such proposed district as it appears on the assessment-roll as assessed for city purposes, be filed before the final passage of the resolution or ordinance providing for the formation thereof.

53. To provide for the lighting of the streets, alleys, highways, public places, and public buildings and for supplying the city with water for municipal purposes.

54. To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, firm or corporation in the city, for the use of water, heat, light, power or telephone service, supplies to the city or to the inhabitants thereof, and to prescribe the quality of the service.

55. To regulate street railroads, their tracks and care, to compel the owners of two or more such street railroads using the same street to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between them.

56. To require every railroad to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the company, and to sprinkle the same.

57. To permit the laying down of spur or side tracks and running cars thereon for the purpose of connecting warehouses, manufactories, or other business industries and enterprises with any line of railroads which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks not to be used as a main line or a part thereof; and also for the purpose of excavating and filling in a street or portion of a street or the adjoining land and for such limited time as may be necessary for such purpose and no longer. Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the council.

58. To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along

or across any of the streets, alleys, highways and public places in the city.

59. To regulate the size and location of all water pipes, gas pipes, and all other pipes and conduits laid or constructed in the streets, alleys and public places, and to require the filing of charts and maps of such pipes and conduits.

60. To establish and maintain a general employment bureau or agency.

61. To establish when deemed advisable a bureau of civil service and to appoint a commission, to serve without compensation, to administer the same under rules and regulations to be made by the council. Such commission shall, among other things provide for the classification of all employments in the administrative service of the city not excepted by the provisions of this charter, by the council or by the people, for open, competitive and free examinations as to fitness, for an eligible list from which vacancies shall be filled, for a period of probation before employment is made permanent, and for promotion on the basis of merit, experience and record.

62. To establish when deemed advisable a civic art commission, a park commission, a playground commission and a commission of public charities and such other commissions as may be deemed advisable, and to appoint commissioners on said commissions, to serve without compensation, with such powers and duties as may be fixed by the council.

63. To provide by ordinance a fund from which the expenses of all necessary matters of public entertainment and advertisement shall be met.

64. To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

65. To exercise such other powers as are now or may be hereafter granted by the legislature to the municipalities within the state, unless the exercise of such power is contrary to the provisions of this charter; to exercise all other needful powers for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not; and to enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city or of any of the provisions of this charter.

66. Lastly, this grant of power is to be liberally construed for the purpose of securing the well being of the municipality and its inhabitants.

67. In the absence of any procedure for carrying out or effectuating any granted or implied power or authority, the general law of this state where applicable and where not inconsistent with any express provision of this charter shall prevail and shall be followed.

ARTICLE VIII.

CITY AUDITOR AND EX OFFICIO CITY CLERK.

SEC. 55. The city auditor shall act as the general accountant and fiscal agent of the city, and shall exercise a general superintendence over all of the officers of the city charged in any manner with the receipt, collection or disbursement of the city revenues, and shall prescribe the method of keeping the books and accounts of the city subject to the approval of the council.

He shall keep a complete set of books, in which he shall set forth in a plain and business-like manner every money transaction of the city, so as to show at all times the state of each fund, from what source the money was derived, and for what purpose any money was expended, and also all collections made and paid into the treasury by each officer or any other person.

He shall, on application of any person indebted to the city holding money payable into the city treasury, or desiring to pay money therein, certify to the city treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall, upon the deposit of the receipt of the city treasurer for money paid into the city treasury, charge the city treasurer with the amount received by him, and give the person paying the same a receipt therefor.

It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned and appropriated, and forthwith notify the city treasurer of such apportionment or appropriation. He shall make out, sign and deliver to the proper officer all licenses other than building permits.

He shall report to the council at the regular meeting of each month, and oftener if required by the council, the condition of each fund in the city treasury and also the receipts and disbursements.

He shall make and present a report to the council at the meeting in the second week of July of each year, showing all financial business transactions of the city for the preceding year ending the 30th day of June last.

He shall audit and approve all demands against the city before payment and keep a complete record of the same.

He shall, on or before the first day of August in each year, make and present to the council a report as to the revenue and expenses of the city for the current fiscal year, in which he shall set forth estimates of (1), the revenue from other sources than taxation; (2) the itemized expenditures; (3), the itemized amounts necessary to be raised by taxation for each fund.

He shall extend the tax roll and charge the total amount of the taxes to the tax collector, delivering the roll to him not later than September 15th of each year.

He shall perform such other duties as shall be required of him by this charter or by ordinance.

CITY CLERK.

SEC. 56. The city auditor shall be ex officio city clerk and as such city clerk shall have the custody of, and be responsible for, all books, papers, records and archives belonging to the city, not in actual use by other officers, or elsewhere by special provision committed to their custody.

He shall be present at each meeting of the council, and keep a record of its proceedings.

He shall keep separate books in which respectively he shall record all ordinances and contracts and official bonds.

He shall keep all the books properly indexed, and open to public inspection when not in actual use.

He shall perform such other duties as shall be required of him by this charter or by ordinance.

ARTICLE IX.

CITY ATTORNEY.

SEC. 57. It shall be the duty of the city attorney to prosecute on behalf of the people all criminal cases arising upon violations of the provisions of this charter and city ordinances, and to attend to all suits, matters and things in which the city may be legally interested; *provided*, the council shall have control of all litigation of the city and may employ other attorneys to take charge of any such litigation, or to assist the city attorney therein.

He shall give his advice or opinion in writing, whenever required by the mayor or council, and shall do and perform all such things touching his office as may be required of him by the council.

He shall approve, by endorsement in writing, the form of all official or other bonds required by this charter, or by ordinance of the council, before the same are submitted to the council for final approval, and no such bonds shall be approved by the council without such approval by the city attorney.

He shall approve by endorsement in writing the form of all ordinances, resolutions and the drafts of all contracts before the same are entered into on behalf of the city.

He shall perform such other duties as shall be required of him by this charter or by ordinance.

ARTICLE X.

CITY ASSESSOR AND EX OFFICIO TAX COLLECTOR AND TREASURER.

SEC. 58. It shall be the duty of the city assessor, in addition to any duty that may be elsewhere prescribed for him by this charter or by ordinance, to make out, within such a time as may be prescribed by ordinance of said city, either now in force or which may hereafter be passed in pursuance hereof, a full, true and correct list of all the property, both real and personal, taxable by law, within the limits of said city, with the valuation thereof, and assess the same to the persons by whom it was owned or claimed, or in whose possession or control it was, at 12 o'clock meridian on the first Monday of March next preceding.

Each taxpayer in said city shall make and deliver to the city assessor annually, and at such time as shall be provided for by ordinance, a statement under oath setting forth specifically all the real and personal property owned by such taxpayer, or in his possession or under his control at 12 o'clock meridian on the first Monday of March next preceding.

It shall be the duty of the assessor to collect the taxes on all personal property, when the owner of said property is not seized of real estate in said city sufficient to afford ample security for the collection of said taxes, and he shall immediately deposit the taxes so collected with the city treasurer, together with the auditor's certificate therefor.

He shall make up the tax roll showing the valuation of all taxable property and the total thereof and deliver the same to the auditor not later than August 1st of each year.

He shall perform such other duties as shall be required of him by this charter or by ordinance.

CITY TAX COLLECTOR.

SEC. 59. The assessor shall be ex officio city tax collector, and as such tax collector he shall receive and collect all city taxes, general and special, and other branches of the city's revenue not otherwise provided for by this charter or by ordinance.

He shall keep proper books, showing all moneys collected by him as tax collector; he shall also keep a book which shall contain a record of every deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which said book shall be properly indexed and shall be at all suitable times subject to public inspection.

He shall make daily deposits with the city treasurer of all moneys received by him in his capacity as tax collector, together with the proper certificate of the auditor.

He shall perform such other duties as shall be required of him by this charter or by ordinance.

CITY TREASURER.

SEC. 60. The city assessor shall also be ex officio city treasurer, and as such city treasurer he shall receive and keep all moneys that shall come to the city by taxation or otherwise, and to pay the same out on demands legally audited in the manner hereinafter provided; and without such auditing he shall disburse no public moneys whatever, except the principal and interest of the municipal debt when payable.

He shall receive no money into the city treasury unless accompanied by the certificate of the city auditor provided for in section 55 hereof.

He shall issue receipts in duplicate to all persons paying money into the treasury.

He shall make a report at the close of each business day to the auditor, showing all moneys received during the day, together with the number of each receipt given by him therefor, and what account and from whom received and to what fund applied.

He shall, on or before the seventh day of each month, make out and present to the council a full and complete statement of the receipts and expenditures for the preceding calendar month; and he shall make such special reports from time to time as may be required by the council.

He shall perform such other duties as shall be required of him by this charter or by ordinance.

SEC. 61. The mayor, city attorney, city auditor, the commissioner of finance and revenue, or any special committee appointed by the council, separately or collectively, and with the aid of an accountant selected by such officer or committee, shall have the right and power to examine the books of the treasurer at all times; and the mayor, auditor, or commissioner of finance and revenue shall also have the right to inspect and count all public moneys under the treasurer's control, or on deposit elsewhere.

ARTICLE XI.

POLICE JUDGE.

SEC. 62. The judicial power of the city shall be vested in a police court, consisting of one police judge. Said police court shall have jurisdiction concurrently with the justice's court; of all actions and proceedings, civil and criminal, arising within the corporate limits of the city, and which might be tried in such justice's court; and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture, prescribed for the breach of any city ordinance, of all actions founded upon any obligation or liability created by any ordinance, and of all prosecutions for any

violations of any ordinance. In all civil actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of the city, where the fine, penalty or forfeiture imposed by the ordinance is not more than fifty dollars, the trial must be by the court, in civil actions where the fine, penalty or forfeiture prescribed for the breach of any ordinance of the city is over fifty dollars, the defendant is entitled to a jury. Except as in this section otherwise provided, the rules of practice and mode of proceeding in said police court shall be the same as are or may be prescribed by laws for justices' courts in like cases, and appeals may be taken to the superior court of the county in which the city is situated, from all judgments of said police court in like manner and with a like effect as in cases of appeals from justices' courts.

SEC. 63. The police judge shall have the powers and perform the duties of a magistrate. He may administer and certify oaths and affirmations, and take and certify acknowledgments. He shall be entitled to charge and receive for his services such fees as are or may be allowed by law to justices of the peace for like services, except that for his services in criminal prosecution for violation of ordinances he shall be entitled to receive only such monthly salary as the council shall by ordinance prescribe.

SEC. 64. In all cases in which the police judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, the police judge may call in a justice of the peace residing in the city, to act in his place and stead; or if there be no justice of the peace residing in the city, or if all those so residing are likewise disqualified, then he may call in any justice of the peace residing in the county in which the city is situated.

ARTICLE XII.

POLICE, FIRE AND HEALTH DEPARTMENTS.

SEC. 65. The police department of the city of Pomona shall consist of a chief of police and such officers and policemen as shall, from time to time, be fixed and determined by the council.

SEC. 66. The chief of police shall enforce the execution of all the laws and ordinances within the jurisdiction of the city; and for the suppression of any riot, public tumult, disturbance of the peace or resistance against the law or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may hereafter be conferred

upon sheriffs by the laws of the state, and shall in all respects be entitled to the same protection, and his lawful orders shall be promptly executed by deputies, police officers and watchmen in the city of Pomona, and every citizen shall also lend aid when required for the arrest of offenders in maintenance of public order. He shall and is hereby authorized to execute and return all processes issued and directed to him by the police court or judge or other legal authority of said city. Unless otherwise provided by ordinance, he shall receive from the auditor all licenses, collect the same and make weekly deposits with the treasurer together with the auditor's certificate of all funds of the city collected by him. He shall, at the end of each month, file with the auditor a statement of the money so collected and an affidavit stating that the money so paid is all the funds that he has collected or received during the preceding month. He shall have charge of the city prison and prisoners and of any chain gang which may be established by the council. He shall devote his entire time to the discharge of the duties of his office; and subject to the commissioner of police and such rules and regulations as the council may prescribe, shall have control of the police force. In addition to the duties in this charter specified, he shall discharge all duties required of him by the ordinances of the city or by law or the provisions of this charter.

SEC. 67. The council, subject to the provisions of this charter shall have power to organize the police department and make all necessary rules and regulations for its efficient administration, ordain penalties for violation thereof, establish the number of its members and the amount of their salaries, including that of the chief of police, and do all other acts necessary to the efficient equipment and operation of the police department of the city.

FIRE DEPARTMENT.

SEC. 68. The fire department of the city of Pomona shall consist of a chief and such number of officers and men of the department as the council shall, from time to time, fix and determine.

SEC. 69. The chief of the fire department shall, subject to the commissioner of fire and health and such rules and regulations as the council may prescribe, have entire control of the department. He shall have power to suspend or remove, subject to the approval of the commissioner of fire and health, any member of the fire department for disobedience of any lawful order, for the violation of rules and regulations of the department, and for neglect of duty or for conduct unbecoming a member of the force. He shall be charged with the especial duty of superintending the extinguishment of fires

that endanger the municipality or destroy its property and he shall take measures to guard and protect all property imperiled thereby. In addition to the duties in this charter specified, he shall discharge all duties required of him by the ordinances of the city.

SEC. 70. The council, subject to the provisions of this charter, shall have power to organize the fire department and change the same, make all necessary rules and regulations for its efficient administration, ordain penalties for violations thereof, establish the number of its members and the amount of their salaries, including that of the chief of the fire department, and do all other acts necessary to the efficient equipment and operation of the fire department of the city.

HEALTH DEPARTMENT.

SEC. 71. The council shall appoint a competent person, who shall be a licensed physician, to be health officer, who shall, subject to the commissioner of fire and health, have such powers and perform such duties as are granted or imposed by the general laws of the state or by ordinance, including the powers of a police officer in matters pertaining to his office.

SEC. 72. The city engineer, superintendent of streets, park superintendent and building inspector, subject to the mayor as commissioner of public works, shall perform such duties as the council may prescribe by ordinance.

ARTICLE XIII.

BOARD OF EDUCATION.

SEC. 73. The board of education shall have entire control and management of the public schools in the city in accordance with the constitution and general laws of the state, and is hereby vested with all the powers and charged with all the duties provided by this charter and by the general laws of the state for city boards of education.

SEC. 74. The board of education shall appoint a secretary, who may or may not be one of their own number, and shall prescribe the duties and fix the salary of such secretary.

SEC. 75. The board of education shall meet at such times and at such places as may be designated by resolution of said board. The board shall provide the manner in which special meetings shall be called.

SEC. 76. Three members of the board shall constitute a quorum, and the affirmative votes of three members shall be necessary to pass any measure, but a less number than three may adjourn from day to day and compel the attendance of absent members in such manner as the board may prescribe.

SEC. 77. The board of education may determine the rules

of its proceedings, but all meetings of the board shall be public.

SEC. 78. The board of education shall appoint a superintendent of schools and fix his compensation.

SEC. 79. The superintendent of schools shall be the executive officer of the board of education and he shall give his full time to the duties of his office. He shall be subject only to the board of education and all orders of the board relating to the direction of the principals and teachers shall be given through him. He must examine all plans for the construction or reconstruction of school buildings and report in writing to the board any objections he may find thereto. He shall have supervision of the course of instruction and of the discipline and conduct of the schools.

SEC. 80. The superintendent of schools shall nominate and recommend all teachers and principals for election by the board of education. He shall assign all teachers and principals and make all transfers necessary to the successful operation of the schools.

SEC. 81. The board of education shall elect all teachers, but only from a list of candidates nominated and recommended by the superintendent of schools. The board of education may make rules in accordance with which the superintendent must make such nominations and recommendations.

SEC. 82. The board of education shall, at the end of each quarter, file with the auditor an itemized report and the council may in its discretion provide for the publication of such reports, together with other reports of the city officials and boards.

SEC. 83. The board of education shall annually file with the council a duplicate copy of its report to the county superintendent of schools which shall give a careful estimate of the whole amount of money to be received from the state and county for the support of the public schools in the city, together with a careful estimate of the amounts, specifying in detail the objects thereof, required for the adequate support of all departments of the public school system for the ensuing year in addition to the state and county funds.

ARTICLE XIV.

PUBLIC LIBRARY.

SEC. 84. The public library and reading room, known as the Pomona public library, is hereby continued in existence and shall be under the management of a board of five trustees, who shall be appointed by the council. The first board of trustees under this charter shall, at their first meeting, so classify themselves by lot that three of their number shall

go out of office at the expiration of two years and two at the expiration of four years, otherwise their term of office shall be for four years. They shall organize by electing one of their number president and some suitable person as secretary, who shall act and hold office at the pleasure of the board.

SEC. 85. The position of trustee shall be one of honorary trust without salary, or compensation, and all appointments made by them shall be without regard to politics, and irrespective of sex. Said library trustees shall not be less than twenty-five years of age, and must have been residents of said city at least one year prior to their appointment.

SEC. 86. The board shall meet at least once each month and a majority shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. It shall elect a librarian and such assistants and employees as may be necessary. The secretary shall keep a full account of all property, money, receipts and expenditures and a record of all its proceedings.

SEC. 87. The board shall have power:

First. To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of said library and all property belonging thereto, or that may be loaned thereto.

Second. To administer any trust declared or created for such library and reading-room.

Third. To define the powers and prescribe the duties of all officers; determine the number of, and elect all necessary subordinate officers and assistants, and at their pleasure remove any such officer, or assistants.

Fourth. To purchase necessary books, journals, publications and other personal property, and dispose of the same when deemed advisable.

Fifth. To fix salaries of the librarian and assistants, and other employees; to rent and equip such building or buildings, room, or rooms as may be necessary for such library and reading-room.

Sixth. To allow non-residents to borrow books upon such conditions as the board may prescribe.

Seventh. To provide memorial tablets and niches or other means to perpetuate the memory of any person who makes donations or bequests to public library.

Eighth. To do all that may be necessary to carry into effect the provisions of this charter with reference to said library and reading-room.

SEC. 88. Said board, on or before the third Monday of July of each year, shall make a report to the council giving the condition of the library, with full statement of all prop-

erty and money received, when derived, how used and expended, the number of books, journals and other publications on hand, the number added by purchase, gift or otherwise, during the next preceding fiscal year, the number lost or missing; the number and character of those loaned, and such other statistics, information and suggestions as may be of general interest and also a financial report showing all receipts and disbursements, with particulars thereof, and the names of all employees and the salaries paid to each.

ARTICLE XV.

ALCOHOLIC LIQUORS.

SEC. 89. No person either as principal, agent, servant or employee, shall open, establish, keep, maintain or carry on within the corporate limits of Pomona, any tippling-house, dram-shop, cellar, saloon bar, bar-room, sample-room or other place where spirituous, vinous, malt or other alcoholic liquors, are sold or given away; *provided*, that this section shall not apply to hotels containing not less than ninety bona fide bedrooms, furnishing vinous or malt liquors to guests or customers in connection with and as a part of a regular meal under such restrictions and regulations as may be adopted by the council; *and provided further*, that this section shall not apply to the sale of such liquors by regular licensed druggists upon the written prescription of a practicing physician regularly licensed to practice his profession in the State of California, nor to the sale by such druggists of alcohol for mechanical or scientific uses.

SEC. 90. Any person violating section 89 of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment in the discretion of the court in which such conviction is had.

ARTICLE XVI.

ELECTIONS.

SEC. 91. Elections to be held in said city for the purpose of electing the officers thereof and for all other purposes are of three kinds:

1. Primary nominating elections.
2. General municipal elections.
3. Special elections.

SEC. 92. General municipal elections shall be held in said city on the first Monday of May, 1911, on the first Monday of April, 1913 and on the first Monday of April every two years

thereafter, at which shall be elected the elective officers provided for by this charter, who shall take office on the Monday next succeeding the day of such election.

SEC. 93. Special elections shall be held for such purposes and at such times as the council may determine, or at such times as are elsewhere provided in this charter, except that no special election shall be held less than fifteen days after the passage of an ordinance calling the same. All special elections shall be held and conducted, except as to the date thereof, and the result thereof be made known and declared in the same manner as herein provided for other elections.

SEC. 94. The provisions of the general law of the state governing municipal elections, where the same are held separate from the general state elections, are hereby adopted as the law governing city elections, and the provisions of the general laws of the state governing elections for state and county officers shall govern city elections in matters for which no provision is made in this charter, and the council and the city clerk respectively shall exercise the powers and perform the duties conferred on, or imposed by, such laws on boards of supervisors and county clerks concerning elections; *provided*, that where this charter makes provision relating to any matters contained in such general laws, the said charter provisions shall govern.

SEC. 95. All candidates for city offices shall be nominated in the manner provided in section 1188 of the Political Code of the State of California and succeeding sections relating to independent nominations, as now in force, except as herein-after otherwise prescribed; *provided, however*, that nominating certificates for councilmen and members of the board of education shall be signed by at least twenty-five qualified electors of the ward from and by which the nomination is made and that all other nominating certificates shall be signed by at least fifty qualified electors of the city; *and provided further* that all nominating certificates shall be filed with the city clerk not more than sixty days nor less than forty days before the day of the general municipal election; but nominating certificates for candidates to be voted on at the first general municipal election held under this charter may be filed at any time prior to fifteen days before the day of election, and the provisions of this charter relating to primary elections shall not be applicable to the said first general municipal election.

When candidates for any office are nominated as specified in accordance with the provisions of section 1188 of the Political Code of the State of California, it is hereby provided and directed that no party name or designation shall appear on the certificate or ballots and that the names of the candidates for each office shall be arranged alphabetically on said ballot.

SEC. 96. If a petition signed by qualified electors of the city equal in number to twenty per cent of the total number of qualified electors at the last preceding general municipal election shall be filed with the city clerk not less than thirty days nor more than forty days prior to the date of any general municipal election, requesting the council to call a primary nominating election, the council shall, after receiving the certificate of the clerk to the effect that the petition has been signed by the requisite number of qualified electors, call such primary election, and the candidates to be voted for at the general municipal election shall be nominated at such primary nominating election, and no name shall be printed upon the ballot for such general election other than those selected in the manner hereinafter prescribed.

SEC. 97. Such primary election shall be held on the second Monday preceding the general municipal election. The officers of election appointed for the general municipal election shall be the officers of the primary election and it shall be held at the same places so far as possible and the polls shall be opened and closed at the same hours. The names of all candidates nominated in accordance with the provisions of section 95, but no others shall be printed upon the ballots to be used at such primary election.

SEC. 98. At least seven days prior to the date of said primary election the city clerk shall cause to be published for three consecutive days, in at least two daily newspapers published in the city, or posted if so directed by the council for three days in three public places in the city, the names of all the persons so nominated and the offices for which the several candidates were respectively nominated as they will appear upon the primary ballots.

SEC. 99. The clerk shall cause the ballots to be printed and, except when voting machines are used, numbered and bound, which ballots shall contain the list of names of candidates and respective offices as published, with the following caption:

“Primary nominating election.

City of Pomona (inserting date thereof.)

“To vote, stamp a cross opposite the name of the candidate voted for, except that when the name of the candidate is written in by a voter the cross shall not be made.”

The names of the offices to be filled shall be arranged on the ballots in the order the officers of the city to be elected are named in this charter.

SEC. 100. The names of the candidates for each office shall be arranged on the ballot of the primary nominating election in alphabetical order. There shall be nothing on any ballot

indicative of the party affiliation, source of candidacy or support of any candidate.

SEC. 101. Each ballot shall contain blank spaces underneath the printed names for each office, wherein the voter may write the name of any candidate whose name is not printed on the ballot and for whom he may wish to vote, and in such case a cross shall not be stamped opposite such written name.

SEC. 102. Any candidate to fill a vacancy and to serve the remainder of an unexpired term shall be designated on the ballot as a candidate to fill a vacancy.

SEC. 103. The two candidates receiving the highest number of votes for any given office at the primary nominating election shall be the candidates, and the only candidates, for such office whose names shall be printed upon the ballot to be used at the general municipal election; *provided*, that where more than one office of the same kind is to be filled, the candidates therefor, equaling in number twice the number of such offices, who receive the highest number of votes at the primary nominating election, shall be the candidates and the only candidates for such offices whose names shall be printed upon the ballot to be used at such general election.

SEC. 104. The ballot at such general election shall be in the same form as for such primary nominating election, so far as applicable, and without any indication as to the party affiliation, source of candidacy or support of any candidate.

SEC. 105. The conduct and carrying on of all city elections shall be under the control of the city council, and the council shall, by ordinance, provide for the holding of all city elections, and may district and subdivide the municipality into municipal election precincts for the holding of municipal elections, and change and alter such precincts and re-district the municipality for such elections as often as occasion may require. Unless the boundaries of the precincts shall be changed, as herein provided, they shall remain as fixed for the election of state and county officers at the last general election preceding the city election.

SEC. 106. At each city election each of the election officers shall receive such compensation for his services as the council shall fix, but not to exceed the sum of five dollars.

SEC. 107. The board of trustees of the city of Pomona, in office at the time this charter is approved by the legislature, shall provide for the holding of the first general municipal election of officers under this charter, shall canvass the votes, declare the result, and approve the bonds of all officers elected at such election, the amounts of such bonds and the provisions relating thereto to be as herein provided.

SEC. 108. If for any reason, the first general municipal election is not held on the day herein provided for, the validity

of this charter and of such election is not affected thereby, and the board of trustees of the city of Pomona then in office must provide for the holding of said election as soon as possible thereafter.

SEC. 109. The election returns from each municipal election precinct shall be filed with the city clerk, who shall immediately place them in the safe or vault in the city clerk's office, and no person shall be permitted to handle, inspect, examine or in any manner interfere with the same until canvassed by the council. After having been canvassed they shall be sealed up by the city clerk for six months and no person shall have access to them, except on the order of a court of general jurisdiction.

SEC. 110. On the first Monday after the election and at their usual time and place of meeting, the council shall meet and canvass the returns and declare the result.

SEC. 111. After the result of an election is declared or when an appointment is made, the city clerk under his hand and official seal shall issue a certificate thereof and serve the same personally or by depositing such certificate with the postage prepaid, in the United States post office in Pomona, addressed to the person elected or appointed, and such person, must, within ten days after receiving such certificate, file his official bond, if a bond is required of him by this charter or the ordinances of the city, and take and subscribe to the oath of office required of him by this charter, which oath must be filed with the city clerk.

ARTICLE XVII.

FINANCE AND TAXATION.

SEC. 112. The fiscal year of the city shall commence upon the first day of July of each year, or at such other time as may be fixed by ordinance.

SEC. 113. The council shall, by ordinance, provide a system for the assessment, levy and collection of all city taxes not inconsistent with the provisions of this charter.

SEC. 114. The council shall have power to avail itself by ordinance of any law of the State of California now or hereafter in force and comply with the requirements thereof whereby assessments may be made by the assessor of the county in which the city of Pomona is situated and taxes collected by the tax collector of said county for and on behalf of the city of Pomona. Other provisions of this charter concerning the assessment, levy and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

SEC. 115. On or before the first Monday in April in each year or on such date in each year as shall be fixed by the

council, the heads of departments, offices, boards and commissions shall send to the auditor a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions, during the next ensuing fiscal year.

SEC. 116. The council shall meet annually prior to fixing the tax levy and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government for the next ensuing year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission, as the council may deem advisable.

SEC. 117. The council shall meet at their usual place of holding meetings on the first Monday in August of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day for a period of ten days. They shall have power to hear complaints and to correct, modify, strike out or to raise any assessment, provided that notice shall be given to the party whose assessment is to be raised.

SEC. 118. The council must finally adopt, not later than the first Tuesday in September, an ordinance or resolution levying upon the assessed valuation of the property in the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue. They shall then deliver the assessment roll to the auditor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor as being the assessment roll of said tax.

SEC. 119. The tax levy authorized by the council to meet the municipal expenses for each fiscal year shall not exceed, except as herein provided, the rate of one dollar on each one hundred dollars of the assessed value of all real and personal property within the city.

SEC. 120. The council shall have power to levy and collect taxes in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the city and to provide for the establishment and support of public parks, playgrounds and free public libraries and reading rooms.

SEC. 121. All taxes assessed, together with any percentage imposed for delinquency and the cost of collection, shall

constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, *provided*, that when real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right of redemption, as it may be struck off and sold to the state when offered for sale for state and county taxes; and the council shall have power to provide for the procedure to be followed in such sales to the city and redemption thereafter.

SEC. 122. Money shall be drawn from the city treasury only upon warrants as herein authorized. Every demand against the city from whatever source, including the public library, when allowed by the council or proper board, shall be signed by the president and secretary or clerk of such body, and a warrant, numbered and dated the same as the demand issued and signed by the same officers, and both must, before it can be paid, be presented to the auditor, who shall satisfy himself whether the money is legally due and its payment authorized by law. If he allows it, he shall endorse upon the warrant the word "allowed," and the date of such allowance, and sign his name thereto. No demand shall be approved, allowed, audited or paid unless it specify each special item, and the date thereof.

SEC. 123. Warrants payable on demand shall be drawn upon the treasurer, or against any funds in his hands, only when at the time of drawing and issuing of such warrants there shall be sufficient money in the appropriate fund in the treasury to pay said warrants.

SEC. 124. The council shall prescribe uniform forms of accounts which shall be observed by all officers and departments of the city which receive or disburse moneys. Whenever an act shall be passed by the state legislature calling for uniform municipal reports, the city authorities shall be governed thereby.

ARTICLE XVIII.

CONTRACTS.

SEC. 125. The city of Pomona shall not be and is not bound by any contract (except such a contract as is now or may be hereafter authorized by this charter to be made in behalf of the city by a board or officer of the city) unless the council shall

have first caused notice to be published for not less than five days in a daily newspaper or posted for five days in three public places in the city, inviting proposals to perform the same, and thereafter shall have let said contract to the lowest responsible bidder furnishing security for its performance satisfactory to the council; *provided*, that any such contract shall not be made or be binding on the city unless first authorized by resolution passed by the council; that any such contract shall be made in writing, the draft thereof approved by the council and the same ordered to be, and be signed on behalf of the city by the mayor or some other person authorized thereto by resolution; and that the approval as to form of such contract by the city attorney shall be endorsed on the draft thereof before the council shall have power to approve the same; *provided further*, that the council may, by resolution, authorize any officer, committee or agent of the city to bind the city for the payment of a sum of money, not exceeding \$250, without a contract in writing and without any previous publication or posting of notice inviting proposals.

SEC. 126. When proposals for performing any public work or furnishing materials are invited, the council may reject any and all bids if deemed advisable and ask for new bids or provide for the work to be done by the department of public works; and in case no bid is received the council may provide for the work to be done by the department of public works.

No contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officers, department or board.

It shall be the duty of the city attorney to see that all bonds relating to any such contract and required by resolution, ordinance, this charter or the general laws of the state are properly drawn, executed and delivered.

SEC. 127. The commissioner of public supplies shall be the city purchasing agent, until otherwise provided by the council, with such powers and duties as shall be prescribed by the council. The council may provide that all or any designated portion of the purchases and contracts under the jurisdiction of the council shall be made by said purchasing agent under rules to be provided therefor; and with the consent of other boards herein given the power to make purchases and contracts, the council may provide that all or a portion of such purchases and contracts may be made by said agent under similar or different rules. The council may provide that the purchasing agent may make all or any portion of the purchases of the city in the open market at the best prices obtainable and to the best advantage of the city, without advertising for bids.

ARTICLE XIX.

STREETS AND SEWERS.

SEC. 128. Except as provided herein and unless otherwise provided by ordinance, the general law of the State of California relative to the improvement of, and work upon streets, lanes, alleys, courts, places and sidewalks, including the construction of sewers and providing for the laying out, opening, extending, widening, straightening or closing up in whole or in part of any street, square, lane, alley, court or place within municipalities, and to condemn and acquire any and all land and property necessary and convenient for that purpose; and for providing a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and to provide for the payment of such bonds; and providing for the planting, maintenance and care of shade trees upon streets, lanes, alleys, courts and places within municipalities, and of hedges upon the lines thereof, and for the eradication of weeds within city limits, now in force, or which may hereafter be adopted by the legislature of this state is hereby made a part of this charter, and shall govern the council in such matters.

ARTICLE XX.

FRANCHISES.

SEC. 129. The council shall have power to designate the terms, conditions and duration of all franchises, subject to the general laws of the state and the provisions of this charter relating thereto; *provided*, that no exclusive franchise shall ever be granted.

SEC. 130. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodations of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience.

SEC. 131. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise. The grant of every franchise for a street suburban or interurban railroad

shall provide that all United States mail carriers and all officials, policemen and firemen of the city shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroad within the boundaries of the city, without paying therefor and with all the rights of other passengers.

SEC. 132. Every grant of any franchise or privilege in, over, under or along any of the streets, highways or public places in the city for railway purposes, shall be subject to the conditions that the person, firm or corporation, exercising or enjoying the same shall sprinkle, clean, keep in repair, and pave and repave so much of said street, highway or other public place as may be occupied by said railway as lies between the railway track, and between the lines of double track, and for a space of two feet of said tracks.

SEC. 133. Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted, the city, at its election and upon the payment of a fair valuation therefor to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which the franchise was granted, become the property of the city, without any compensation to the grantee.

SEC. 134. Every ordinance granting any franchise may further provide that upon the payment by the city of a fair valuation in the manner provided in the ordinance, the plant and property of the grantee shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance. Or in case it is provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which it was granted, become the property of the city without any compensation to the grantee, the property and plant of the grantee shall then become the property of the city by virtue of the grant and without the execution of any instrument or conveyance.

ARTICLE XXI.

INITIATIVE.

SEC. 135. Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city, equal in number to the percentages hereinafter contained; *provided*, notice of the intention to circulate such a petition,

together with a copy of the proposed ordinance and a statement in not more than 200 words, giving the proponents' reasons for the adoption of such ordinance, shall be filed with the city clerk at least five days before such petition is circulated. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed, and that notice of the intention to circulate said petition was filed with the city clerk at least five days prior to the time any signature was appended to said petition. Within ten days from the date of filing such petition the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and, if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay.

SEC. 136. If the petition accompanying the proposed ordinance is signed by qualified electors of the city, equal in number to fifteen per cent of the total number of registered electors at the last preceding general municipal election and contain a request that said ordinance be submitted forthwith to the vote of the people at a special election, then the council shall either :

(a) Pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to a referendum vote under the provisions of article XXII of this charter) ; or

(b) Within twenty-five days after the clerk shall have attached to the petition his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people.

SEC. 137. If the petition be signed by qualified electors of the city, equal in number to at least five per cent of the

total number of registered electors at the last preceding general municipal election, and said ordinance be not passed by the council as provided in the preceding subdivision, then such ordinance without alteration shall be submitted by the council to the vote of the people at the next general municipal election that shall occur at any time after twenty days from the date of the clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

SEC. 138. Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election, the council shall cause the ordinance or proposition to be printed, and it shall be the duty of the clerk to enclose a printed copy thereof, together with a statement in not more than two hundred words, giving the proponents' (or opponents' in case of a referendum election) reasons for the adoption (or rejection) of such ordinance, and the statement,—if any, in not more than two hundred words made by the council, giving the reasons why such proposed ordinance should not be (or should be) adopted, in an envelope with a sample ballot, and mail the same to each voter at least three days prior to the election, or the council may order such ordinance or proposition, together with the reasons for and against the adoption of the same, to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballots.

SEC. 139. The ballots used for voting upon such proposed ordinance shall set forth in full the title of the proposed ordinance and shall state the general nature of the proposed ordinance and shall contain the words, "For the ordinance" and "Against the ordinance." If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, said ordinance shall take effect five days after the declaration of the official canvass, which canvass shall be made within seven days after the day of election.

SEC. 140. Any number of proposed ordinances under the initiative and any number of ordinances under the referendum may be voted upon at the same election in accordance with the provisions of this article.

SEC. 141. There shall not be held under this article of the charter more than one special election in any period of one year, unless the petitioners shall first file with the city auditor a certified check for an amount equal to the total cost of the last preceding general municipal election, for the purpose of defraying the expenses of said special election, and after said expenses are paid and deducted, the balance, if any, shall be returned to the petitioners.

SEC. 142. A substantial compliance with the provisions of this article shall be sufficient for the holding of an election hereunder, and the approval or rejection of any measure submitted thereat, and the council shall by ordinance make such further regulations as may be necessary to carry out the provisions of this article.

ARTICLE XXII.

REFERENDUM.

SEC. 143. No ordinance passed by the council shall go into effect before thirty days from the time of its final passage, except when otherwise required by the general laws of the state or by the provisions of this charter, respecting street improvements and except an ordinance making the annual tax levy and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a four-fifths vote of the council; *provided*, that no grant of any franchise shall be construed to be an urgency measure but all franchises shall be subject to the referendum vote herein provided. If during said thirty days a petition signed by qualified electors of the city equal in number to at least twenty per cent of the total number of registered voters at the last preceding general municipal election, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation and it shall be the duty of the council to reconsider such ordinance; and if the same be not entirely repealed, the council shall submit the ordinance as is provided in article XXI of this charter, to the vote of the electors of the city, either at the next general municipal election or at a special election to be called for that purpose and such ordinance shall not go into effect or become operative unless a majority of qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of section 135, except as to the percentage of signers and shall be examined and certified by the clerk in all respects as is therein provided, and notice of the intention to circulate such petition, together with a statement, in not more than two hundred words, giving the opponents' reasons for the rejection of such ordinance, shall be filed with the clerk at least five days before such petition is circulated.

SEC. 144. Any ordinance or measure that the council or the qualified electors of the city shall have authority to enact, the council may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is

provided in this charter for ordinances or measures submitted on petition. At any special election called under the provisions of this charter, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinance or measures herein provided for, if said other questions are such as may legally be submitted at such election. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

SEC. 145. There shall not be held under this article of the charter more than one special election in any period of one year unless there shall be first filed with the city auditor a certified check for an amount equal to the total cost of the last preceding general municipal election, for the purpose of defraying the expenses of said special election; and after said expenses are paid and deducted, the balance, if any, shall be returned to the person or persons who filed said check.

SEC. 146. Sections 138, 139 and 142 of this charter applying to the initiative shall govern elections held under the authority of this article so far as applicable.

SEC. 147. The council shall, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article.

ARTICLE XXIII.

RECALL.

SEC. 148. Every incumbent of an elective office, whether elected by popular vote or appointed thereto to fill a vacancy, shall be subject to removal from office by recall by the voters of the city. The procedure to effect such removal from office shall be as follows: A petition, signed by qualified electors of the city equal in number to at least twenty per cent of the total number of registered electors at the last preceding general municipal election, demanding an election of a successor to the person sought to be removed shall be filed with the city clerk; *provided*, that at least five days before any petition for the recall of an officer is circulated for signatures thereto, an affidavit in triplicate by, or on behalf of the person or persons proposing such recall, shall be filed with the city clerk who shall at once deliver one of said affidavits to the office of said officer sought to be recalled, and send one by registered mail to the residence of such officer. Said affidavit shall contain a statement of the intention to circulate a petition for the recall of said officer, a statement of not more than two hundred words, giving the grounds for such recall and the address of the party making the affidavit. The signatures to the petition need not all be appended to one paper, but each signer shall

add to his signature his place of residence, giving the street and number, and one of the signers of each such paper shall make oath, before an officer authorized to administer oaths, that the statements therein made are true and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed, and that said affidavit was filed with the city clerk as hereinbefore prescribed. Within ten days from the date of filing such petition the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors; and if necessary, the council shall allow him extra help for that purpose and he shall attach to said petition his certificate showing the result of said examination. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall within ten days after such amendment make like examination of the amended petition and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay, and the council shall order and fix a day for the holding of said election, not less than thirty nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

SEC. 149. The city council shall make, or cause to be made, all arrangements for the holding of such election and the same shall be conducted, returned and the result thereof declared in all respects as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. Other candidates may be nominated as provided in section 95; *provided, however*, that nomination certificates may be filed at any time prior to fifteen days before the day of election.

SEC. 150. Upon both the sample and official ballots there shall be printed in not more than two hundred (200) words a statement of the reasons for demanding the recall of the officer as set forth in the recall petition, and the statement, if any, in not more than two hundred (200) words, made by the officer justifying his course in office.

SEC. 151. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall

thereupon be deemed removed from the office upon the qualification of his successor. In case the party who receives the highest number of votes shall fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

SEC. 152. No recall petition shall be filed against any elective officer until he has actually held his office for at least six months, and no second or subsequent recall petition shall be filed against the same officer for a period of six months from the time of the last recall election relating to said officer nor at any subsequent time during his term of office, unless the petitioners for such second or subsequent recall election shall first deposit with the auditor a certified check for an amount equal to the total cost of the last recall election for the purpose of defraying the expenses of the recall election petitioned for; if at the election said officer is recalled, said check shall be returned to the petitioners, but if said officer is not recalled, said check shall be cashed and turned into the general fund of the city.

SEC. 153. The council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this section.

ARTICLE XXIV.

MISCELLANEOUS.

SEC. 154. For the purpose of nominating candidates and electing officers in accordance with this charter, this charter shall take effect from the time of the approval of the same by the legislature; for all other purposes it shall take effect on the second Monday in May, 1911.

SEC. 155. The members of the board of trustees, city clerk, city attorney, city assessor, city treasurer, city recorder and members of the board of education in office at the time of the approval of this charter by the legislature shall continue to hold office and discharge their duties until the election and qualification of the mayor, auditor, attorney, assessor, police judge and president and members of the board of education, respectively, first elected under this charter; the term of each and of all the other officers in office at the time this charter shall take effect shall cease and terminate when the council first elected hereunder shall by resolution so declare.

SEC. 156. All lawful city ordinances, resolutions and regulations in force at the time this charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed.

SEC. 157. The violation of any provision of this charter or

of any ordinance of the city shall be deemed a misdemeanor, and may be prosecuted by the authorities of the city in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of a provision of this charter or of any ordinance may be imprisoned in the city jail, or, if the council or ordinance shall so prescribe, in the county jail of the county in which the city of Pomona is situated, in which case the expense of such imprisonment shall be a charge in favor of such county against the city of Pomona.

CERTIFICATE.

WHEREAS, The city of Pomona, a city containing a population of more than three thousand five hundred inhabitants, on the third day of November, nineteen hundred and ten, at a special election, and under and in accordance with the provisions of section eight, article eleven of the constitution of the State of California, did elect the undersigned a board of fifteen freeholders to prepare and propose a charter for said city;

BE IT KNOWN, That in pursuance of said provision of the constitution and within a period of ninety days after said election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of Pomona; and that in submitting and proposing such charter the board of freeholders, pursuant to said provision of the constitution, also presents with said charter for the choice of the voters, and to be voted on separately, without prejudice to the other provisions contained in the charter, an alternative proposition hereinafter stated, which shall, if approved by a majority of the voters voting thereon, take the place of section 89 of article XV of the proposed charter.

Said alternative proposition shall be submitted to the voters for their approval or rejection at the same election at which the charter shall be submitted and upon the ballots shall be printed: "Shall the alternative proposition, providing that there shall be no sale of alcoholic liquors in the city of Pomona, except by druggists under proper restrictions, take the place of section 89 of article XV?"

Said alternative proposition is as follows:

ALTERNATIVE PROPOSITION.

ARTICLE XV.

ALCOHOLIC LIQUORS.

SEC. 89. No person, either as principal, agent, servant or employee, shall open, establish, keep, maintain or carry on within the corporate limits of Pomona, any tippling-house, dramshop, cellar, saloon, bar, bar-room, sample-room or other place where spirituous, vinous, malt or other alcoholic liquors, are sold or given away, *provided*, that this section shall not apply to the sale of such liquors by regularly licensed druggists upon the written prescription of a practicing physician regularly licensed to practice his profession in the State of California, nor to the sale by such druggists of alcohol for mechanical or scientific uses, under such restrictions and regulations as may be fixed by the council.

IN WITNESS WHEREOF, we have hereunto set our hands in duplicate this thirty-first day of December, one thousand nine hundred and ten.

(Signed) FRED. J. SMITH, President.
(Signed) A. B. AVIS.
(Signed) FRANK W. BALFOUR.
(Signed) J. F. EVANS.
(Signed) W. T. FLEMING.
(Signed) R. B. HOFFMAN.
(Signed) CLARENCE H. LEE.
(Signed) J. F. LOBINGIER.
(Signed) LEE R. MATTHEWS.
(Signed) J. E. McCOMAS.
(Signed) N. W. MILLER.
(Signed) H. J. NICHOLS.
(Signed) F. H. OSLER.
(Signed) G. A. PHILLIPS.
(Signed) RUSSELL K. PITZER, Secretary.

Filed January 3rd 1911, at 10 A. M. with Frank P. Firey, president of the board of trustees of the city of Pomona.

STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES,
CITY OF POMONA. } ss.

I, Frank P. Firey, president of the board of trustees of the city of Pomona, State of California, do hereby certify that the board of freeholders, whose names appear signed to the foregoing proposed charter, were on the 3rd day of November, 1910, at a special municipal election held in said city of Pomona on said day, duly elected by the qualified electors of said city, to prepare and propose a charter for said city; that

each of said freeholders has been a qualified elector and freeholder in said city for more than five (5) years previous to said election; that the foregoing is a true copy of said charter prepared and returned to me as president of said board of trustees within ninety (90) days after said election as required by section 8 of article 11 of the constitution of the State of California; that said proposed charter was then published in the Pomona Progress and in the Pomona Daily Review, which then were daily newspapers of general circulation in the said city, and that publication was made for more than twenty (20) days, and that the first publication of said proposed charter was made within twenty (20) days after the completion of said charter; that within thirty (30) days after the publication of said charter, as required in said section 8 of article 11 of the constitution of the State of California, to-wit: on the 16th day of February, 1911, said charter was submitted at a special election duly called and held in the city of Pomona, for the purpose of ratifying or rejecting said proposed charter and the alternative proposition submitted therewith; that by a majority of the votes of the qualified electors voting at said election, said proposed charter was ratified as a whole, excepting that the alternative proposition therein contained being separately voted on, was ratified by a majority of such votes and was thereafter chosen and substituted for section 89 of article 15 of said proposed charter; that the returns of said election were duly canvassed by the board of trustees of said city of Pomona on the 18th day of February, 1911, and the result thereof declared as above set forth, and that in all matters and things pertaining to said proposed charter, all provisions of said section of the constitution and the laws of the State of California, pertaining to the adoption of the charter, have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of said city of Pomona to be affixed this 18th day of February, 1911.

[SEAL.]

FRANK P. FIREY,

President of the Board of Trustees of the city of Pomona.

Attest: T. R. TROTTER,

City Clerk of the city of Pomona.

And, whereas, said proposed charter, with said alternative proposition so ratified, has been duly presented and submitted to the legislature of the State of California for approval or rejection, without power of alteration or amendment in accordance with section 8 of article XI of the constitution of the State of California;

Now, therefore, be it

Resolved by the assembly of the State of California, the senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein) that said charter of the city of Pomona, including said alternative proposition, as presented to, adopted and ratified by the qualified electors of said city, be, and the same is hereby, approved as a whole as and for the charter of the said city of Pomona.

Gaylord Bros.
Makers
Syracuse, N. Y.
PAT. JAN. 21, 1908

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